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Washington, Thursday, March 2, 1939

## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### FEDERAL CROP INSURANCE CORPORATION

[F. C. I. R.—Series 1, No. 1, Supp. 4]

#### PART 401. WHEAT CROP INSURANCE REGULATIONS

##### AMENDMENTS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended by Public Law No. 691 of the 75th Congress, approved June 22, 1938, the Regulations Relating to Wheat Crop Insurance,<sup>1</sup> as amended, are hereby further amended, as follows:

1. Subsection (b) of Section 71 is hereby amended to read, as follows:

"With respect to any acreage seeded to wheat with the intention of harvesting the same for grain which the insured has failed to reseed to wheat in areas and under circumstances where the Corporation determines that it is customary to reseed, the production therefrom per acre shall be conclusively presumed to be equal to the adjusted average yield for the farm or the actual yield, whichever is higher. With respect to any acreage seeded to wheat with the intention of harvesting the same for grain upon which wheat has been totally destroyed solely by reason of a cause or causes not insured against, the production therefrom per acre shall be conclusively presumed to be equal to the adjusted average yield for the farm. With respect to any acreage seeded to wheat with the intention of harvesting the same for grain upon which the yield of wheat has been reduced by reason of a cause not insured against and a cause not insured against, the production therefrom per acre shall include the reduction in yield by reason of the cause not insured against."

<sup>1</sup> 3 F. R. 1013 DI.

2. By the addition of the following part and section:

#### PART 13. ADJUSTMENT OF POLICY TO PREMIUM PAYMENT

SEC. 130. *Adjustment of total insured production where the premium has not been paid in full.* Notwithstanding any of the foregoing provisions of these regulations, in any case in which the amount of premium tendered to the Corporation is less than the premium for the policy as determined under Parts 3, 4, and 5 of these regulations, the Corporation may adjust the total insured production for the policy in proportion to the amount by which the amount of premium tendered is less than such premium.

Adopted by the Board of Directors on January 27, 1939.

[SEAL]

M. L. WILSON,  
Chairman.

Approved, February 28, 1939.

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 39-704; Filed, February 28, 1939;  
4:00 p. m.]

### TITLE 43—PUBLIC LANDS

#### GENERAL LAND OFFICE

[Circular No. 1455]

#### PUBLICATION OF PROOF NOTICES

(1) *Regulations amended.* Instructions of October 19, 1929 (52 L. D. 722), have been carried into the Code of Federal Regulations as section 106.18, and both are hereby amended to read as follows:

SEC. 106.18. *Notices to be published weekly only, where not otherwise directed by law.* In many cases it is necessary to designate a daily paper in which to publish the notices of intention to submit final proof required to be given by homestead and desert land entrymen as well as the notices of location of scrip, warrants, certificates, and lieu selections, and other cases.

## CONTENTS

### RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	
Federal Crop Insurance Corporation:	Page
Wheat crop insurance regulations, amendments.....	1101
TITLE 43—PUBLIC LANDS:	
Bureau of Reclamation:	
Boise Irrigation Project, Oregon-Idaho, public notice of annual water charges.....	1102
Deschutes Project, Oreg., first form reclamation withdrawal.....	1102
General Land Office:	
Proof notices, publication of.....	1101
TITLE 47—TELECOMMUNICATION:	
Federal Communications Commission:	
Emergency radio services, amendments.....	1102

### NOTICES

Department of Agriculture:	
Bureau of Animal Industry:	
Savannah Stock Yards, Savannah, Ga., notice under Packers and Stockyards Act.....	1105
Federal Communications Commission:	
R. C. A. Communications, Inc., and French Telegraph Cable Co., public telephone and TWX service in connection with filing of messages with.....	1105
Securities and Exchange Commission:	
Engineers Public Service Co., order granting application.....	1106

The expense of publishing such notices for the prescribed period in every issue of a daily paper is often prohibitive, and the object of publication of such notices can be accomplished by a less number of insertions. Therefore, in all cases where the law does not specifically otherwise direct, publication will be made as follows:





Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the **FEDERAL REGISTER** should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

(a) Where publication is required for thirty days, if the register designate a daily paper, the notice should be published in the Wednesday issue for five consecutive weeks; if weekly, in five consecutive issues, and if semi-weekly, or tri-weekly, in any one of the weekly issues for five consecutive weeks.

(b) Where publication is required for sixty days, except in mining cases, if the register designate a daily paper the notice should be published in the Wednesday issue for nine consecutive issues; if weekly in nine consecutive issues; if semi-weekly or tri-weekly in any one of the weekly issues for nine consecutive weeks.

Publication of notice in mining cases must be made in accordance with paragraph 45 of the mining regulations (Circular No. 430, April 11, 1922, 49 L. D. 71; Sec. 185.58 C. F. R.).

(2) *Other regulations amended.* The regulations governing publications in homestead, soldiers' additional homestead and trade and manufacturing site cases, in Alaska; prescribed by Circular No. 491 dated February 24, 1928 (par. 25, p. 33, Sec. 65.25 C. F. R.; par. 15, p. 85, Sec. 61.15 C. F. R.; and par. 9, p. 14, Sec. 81.9 C. F. R.), the regulations governing publication in the case of timber and stone entries (Par. 21, Circular 851, February 25, 1926, 51 L. D. 371; Sec. 285.21 C. F. R.), and any other regulations which may be in conflict with the foregoing instructions, are hereby amended so as to conform thereto.

FRED W. JOHNSON,  
Commissioner.

Approved, February 17, 1939.

HARRY SLATTERY,  
Under Secretary.

[F. R. Doc. 39-707; Filed, March 1, 1939; 11:03 a. m.]

## BUREAU OF RECLAMATION

### DESCHUTES PROJECT, OREGON

#### FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 9, 1939.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat. 388).

#### DESCHUTES PROJECT, OREGON

##### WICKIUP RESERVOIR

##### Willamette Meridian

T. 22 S., R. 9 E.  
Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 9, W $\frac{1}{2}$ E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 16, NW $\frac{1}{4}$

Respectfully,

JOHN C. PAGE,  
Commissioner.

I concur:

M. L. WILSON,  
Acting Secretary of Agriculture.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

FEBRUARY 17, 1939.

[F. R. Doc. 39-705; Filed, March 1, 1939; 11:02 a. m.]

[No. 26]

#### BOISE IRRIGATION PROJECT, IDAHO-OREGON

#### PUBLIC NOTICE OF ANNUAL WATER CHARGES<sup>1</sup>

FEBRUARY 15, 1939.

1. *Annual Water Charges.* The annual operation and maintenance charges for the irrigation season of 1939, and thereafter until further notice, against all lands of the Arrowrock Division, Boise Irrigation Project, Idaho-Oregon, within the Settlers Irrigation District, and other lands of the Arrowrock Division not included in the Boise-Kuna, Wilder, Nampa and Meridian, New York and Big Bend Irrigation districts shall be one dollar and ten cents (\$1.10) for the first three (3) acre-feet of water and thirty (30) cents for each additional acre-foot; but a minimum charge of one dollar and ten cents (\$1.10) will be made against each irrigable acre and must be paid as toll before any water is delivered. The minimum operation and maintenance charge will be due and payable to the Board of Control, Boise, Idaho, on April 1 preceding the irrigation season. Charges for addi-

<sup>1</sup> Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

tional water will be payable to the Board of Control upon demand.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 39-706; Filed, March 1, 1939; 11:02 a. m.]

## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

#### CHAPTER X. RULES GOVERNING EMERGENCY RADIO SERVICES

##### PART 111. IN GENERAL

##### Applications

The Commission amended the following sections, effective immediately, to read:

SEC. 111.10 *Individual and blanket applications.* Individual applications for instruments of authorization shall be submitted for each station to be located at a fixed location. Blanket applications for authorizations for identical mobile, portable-mobile, or low powered portable transmitters, submitted by a single applicant to cover equipment to be used in a single coordinated communication system will be accepted. A blanket application may be submitted by a single applicant for a license or modification of license, covering both the fixed transmitter and mobile, portable-mobile, or low powered portable transmitters used in a single coordinated communication system.\*†

##### Frequencies

SEC. 111.20 *State and municipal police stations.* The following frequencies are allocated for use by state and municipal police stations:\*†

1610 kc <sup>1</sup>	1682 kc	2366 kc <sup>1</sup>	2442 kc
1626 kc <sup>1</sup>	1690 kc <sup>1</sup>	2382 kc	2450 kc
1634 kc <sup>1</sup>	1689 kc <sup>1</sup>	2390 kc <sup>1</sup>	2458 kc
1642 kc <sup>1</sup>	1706 kc <sup>1</sup>	2406 kc	2466 kc
1658 kc	1712 kc	2414 kc	2474 kc
1666 kc	2326 kc <sup>1</sup>	2422 kc	2482 kc
1674 kc	2350 kc <sup>1</sup>	2430 kc	2490 kc

SEC. 111.21 *State and municipal additional unlimited power.* (a) The following additional frequencies are allocated for use by fixed and portable municipal and state police stations without limitation as to power:

##### Group A

30700 kc	33100 kc	37500 kc
31100 kc	33940 kc	39100 kc
31900 kc	35500 kc	39900 kc

(b) The following additional frequencies are allocated for use by fixed and portable municipal and state police sta-

\*Issued under the authority contained in Sec. 4 (1), 48 Stat. 1066; 47 U. S. C. 154 (1).

†Adopted by the F. C. C. on June 22, 1938, effective Oct. 13, 1938, amended Feb. 27, 1939.

<sup>1</sup>Subject to the condition that no interference is caused to Canadian stations.



tions operating with power not in excess of 250 watts:

#### Group B

31500 kc 35900 kc 37900 kc  
33500 kc 37100 kc 39500 kc

(c) Notwithstanding the provisions of (a) and (b) of this section, municipalities and states may be authorized to operate mobile and portable-mobile stations on the frequency, or frequencies, assigned to their fixed station(s). An instrumentality of government operating mobile units only may be authorized to use a frequency from Group "A" or Group "B" of this section assigned an adjacent instrumentality of government, provided a copy of the agreement entered into between the two for the exchange of service is filed with the Commission.

(d) Municipalities and states desiring more than one fixed frequency shall, in making application, show a proper need therefor.

(e) Municipalities desiring frequencies for use by portable stations of one watt power or less, portable-mobile stations, or mobile stations, different from those which may be allocated under Section 111.21 (a) and (b), may be authorized to use the following frequencies:

#### Group C

30580 kc 31780 kc 33780 kc 35220 kc  
37780 kc 30980 kc 33220 kc 35100 kc  
37220 kc 39380 kc

(f) States desiring frequencies for use by portable-mobile or mobile stations different from those which may be allocated under Section 111.21 (a) and (b), may be authorized to use the following frequencies. These frequencies are also available to states for portable stations of 1 watt power or less:

#### Group D

35780 kc 37380 kc 39180 kc 39780 kc

(g) The number of frequencies which may be assigned to any one municipality or state for either fixed, portable, or mobile stations will be governed pursuant to announced policies of the Commission.\*†

SEC. 111.25 *Special emergency stations.* The following frequencies are allocated to special emergency stations:

(a) For portable stations with a maximum power of 1 watt, portable-mobile stations, and mobile stations:

31740 kc 33060 kc 33820 kc 35140 kc  
37180 kc 37820 kc 39340 kc

(b) For fixed, land, and portable stations without limitation as to power:

31460 kc 39660 kc 39860 kc

(c) For fixed, land, and portable stations with a maximum power of 1000 watts:

2292 kc (A-3 emission) 3190 kc (A-1 emission)

(d) For fixed, land, and portable stations of public utilities, using A-3 emission, with a maximum power of 50 watts:

2292 kc<sup>1</sup>  
4637.5 kc day only<sup>4</sup>

(e) Notwithstanding the provisions of (b), (c) and (d) of this section, authorizations may be issued covering the operation of mobile and portable-mobile stations on the frequency, or frequencies, assigned to licenses of fixed or land stations.\*†

SEC. 111.26 *Forestry stations.* The following frequencies are allocated to forestry stations: \*†

(a) 30940 kc	39740 kc	35940 kc
31580 kc	31940 kc	35740 kc
31340 kc	39940 kc	37460 kc
39420 kc		
(b) 2212 kc <sup>1</sup>	2236 kc <sup>1</sup>	2244 kc <sup>1</sup>

#### Frequency Tolerance

SEC. 111.30 *Per cent of tolerance.* The frequency tolerance of stations in the emergency service shall be as follows: \*†

	Equipment authorized before 10/1/38 (percent)	Equipment authorized after 10/1/38 (percent)
Fixed stations on frequencies below 6000 kc.	0.03	0.01
Land stations on frequencies below 6000 kc.	.04	.02
Portable and mobile stations on frequencies below 6000 kc.	.04	.02
Fixed and land stations on frequencies above 30000 kc.	.05	.02
Portable and mobile stations on frequencies above 30000 kc.	.05	.03
Portable and mobile stations of 1 watt power or less on frequencies above 30000 kc.	.1	.1

#### Frequency Measurement

SEC. 111.31 *Measurement procedure.* The licensee of each station shall provide for measurement of the frequency of the transmitter(s) and establish procedure for checking it regularly. These measurements of frequency shall be made by means independent of the frequency control of the transmitter and shall be of such an accuracy that the limit of error is within the frequency tolerance allowed the transmitter.\*†

SEC. 111.41 *Routine tests.* The licensees of all classes of stations in the emergency service are authorized to make such routine tests as may be required for the proper maintenance of the station and communication network, provided that precautions are taken to avoid interference with any station in the particular service involved.\*†

SEC. 111.52 *Posting portable or mobile station licenses.* The licenses of portable and mobile stations, if sepa-

<sup>1</sup> Subject to the condition that no interference is caused to Canadian stations.

<sup>4</sup> May be used subject to the condition that no interference is caused to other services and that the frequency is maintained within a tolerance of 0.02%.

ately issued, shall be readily available for inspection by authorized Government representatives. Either the original authorization or a photocopy of that document shall be available at the portable or mobile station involved.\*†

#### Logs

SEC. 111.60 *Contents.* Each licensee shall maintain adequate records of the operation of the station including (a) hours of operation; (b) nature and time of each transmission; (c) frequency measurements; (d) name of operator on duty at the transmitter. In the cases of groups of stations, either fixed or fixed and mobile, operating as a single coordinated communication system controlled from a single point, a single log may be maintained at a central location, provided that such log records the required information with respect to all stations in the network.\*†

#### Instructions—Emergency Service

1. In connection with the adoption of rules and regulations governing the emergency service, the Commission made the following statement with regard to the standards by which it will be governed in acting upon applications for authorizations in this service:

2. Sec. 111.10 provides for the submission of blanket applications for authorizations for identical stations. It is contemplated that, in general mobile transmitters and low powered portable transmitters operating as part of a coordinated communication system will not be assigned individual calls nor will they be issued individual licenses. Individual fixed stations in such a system will be individually licensed and will have separate call letters. The mobile and low powered portable transmitters will be authorized in the license of the station normally in control of the communication network. Separate authorizations must be obtained for transmitters which are to be operated independently. In this respect your attention is invited to the provisions of the Commission's Rule 15.01 which requires that applications for instruments of authorization for fixed stations be submitted in duplicate. It should be noted that under the provisions of this rule applications for portable and mobile transmitters are also to be submitted in duplicate. This is a change from previous practice.

3. Where application for license or modification of license for fixed and mobile equipment is made at the same time the description of the mobile equipment should appear on the same forms submitted for the fixed station.

4. Applications for licenses filed with the application for construction permit will not be accepted unless a showing is made that the equipment described in the construction application is purchased as a complete unit and is of such a nature that no construction other than installation (connection with power supply and antenna) is necessary. If such a



showing is made the application for license will be accepted provided that all data such as manufacturer's serial number, is supplied. Attention is particularly invited to Section 319 (a) of the Communications Act of 1934 as amended. It should be noted that there is no advantage gained by simultaneous filing in view of the service tests permitted under Section 111.40 discussed below.

5. Any failure by the applicant to conform to these requirements will necessitate the return of applications. This causes a needless delay in consideration of applications and issuance of authorizations. The applicant should, therefore, exercise care in submitting future applications in order to insure prompt action on the part of the Commission.

6. Requests for authority to install identical transmitting units may be made in a single application for construction permit. All units which are to be intended for service should be included whether they are destined for immediate installation or for spares. If two or more types of equipment are to be purchased a separate application for construction permit is to be submitted for each type. In filing an application for license, or modification of license, identifying numbers of the transmitting units involved must be specified. If no serial number has been provided by the manufacturer, the applicant must assign and permanently affix a number to each transmitting unit. The license, when issued, will show the numbers of all transmitters authorized to be used. The Commission and the Inspector in Charge of the district in which the station is located are to be notified by letter at any time any unit is permanently retired from service either through destruction or obsolescence. Such units will be formally deleted from the license at the time a new license is issued. After a license has once been issued, if it is desired to add units, such units must first be authorized by construction permit and subsequently an application for modification of license must be filed to cover the operation of those units. Under these circumstances, it is contemplated that the authorization for the additional units will be covered by a rider to the original license rather than by the issuance of a new license. At the time of renewal the identifying numbers of the added units will be included on the renewed license.

7. The purpose of a log is to present an adequate picture of the occupancy of a frequency. Sec. 111.60 provides that a log of the complete system may be maintained at the control point. This is not considered to mean that a system such as exists in some state police organizations in which a number of stations are involved and in which each of these stations has considerable independence may maintain its log at a central station. Under these circumstances, each station must maintain its own records.

8. Special mention is made in Sec. 111.27 of the responsibility of licensees in the emergency service to cooperate in the use of frequencies. It is expected that, in general, interference problems will be settled by cooperation between the various stations involved without reference to the Commission. The Commission will be glad to cooperate to any reasonable extent in matters of this kind and in case of failure to obtain a mutually satisfactory agreement, it may be necessary to hold a formal hearing.

9. In the assignment of frequencies below 3000 kilocycles to municipal and state police stations, the Commission has established an allocation plan which is designed to permit the expansion of the use of police radio facilities without the necessity of reallocation. The frequency allocated to any particular municipality or area may be obtained by communicating with the Washington office of the Commission. Variations in this allocation plan cannot be made without serious disruption to the police radio service and, therefore, should not be requested.

10. The attention of municipalities on the borders of the United States is invited to Sec. 10 of the "Inter-American Arrangement Concerning Radiocommunications" which reads as follows:

**"SECTION 10. International Police Radio.**

"1. Realizing the advantage to be gained by coordinating international police communications, all countries parties to this agreement are encouraged to authorize police radiotelegraph stations in close proximity to the boundaries of contiguous countries for the transmission of emergency information regarding law enforcement matters. In general, only important police messages are to be handled, such as that which would lose its value due to slowness and time limitations of other communication methods.

"2. Stations engaged in international police communication service shall normally use the facilities provided for national police service; provided (a) that police frequencies used primarily for radiotelephone communication with mobile police units shall not be used for radiotelegraph communication, (b) that stations of different countries in close proximity to the boundary between countries may be authorized by their administrations to exchange point to point radiotelephone communication, and (c) that initially the following frequencies be used for both national and international police radiotelegraph communication:

2804 Kc/s calling 5195 Kc/s day only calling

2808 Kc/s working 5135 Kc/s day only working

2812 Kc/s working 5140 Kc/s day only working

"3. Notifications concerning the particulars of stations engaged in interna-

tional police service shall be forwarded to the Bureau of the International Telecommunication Union, Berne, Switzerland, in order that all stations desiring to intercommunicate may be kept informed of the details concerning individual operation.

"4. In order to insure uniformity in the handling of messages, the following operating procedure shall be followed:

"(a) This service shall, in general, conform with the provisions of Article 16 of the General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932.

"(b) Full use shall be made of the list of abbreviations appearing in Appendix 9 to the General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932. Plain language shall not be used if an abbreviation will suffice. Service indications are as follows: P—Priority, for messages which are to be sent immediately regardless of the number of other messages on file. No service indication, messages that are to be transmitted in the order of receipt.

"(c) The message shall contain the preamble, text, and signature as follows:

"(1) Preamble: The preamble of the message shall consist of the following: The serial number preceded by the letters NR; service indications as appropriate; check (this is the group count according to standard cable count system, the letters 'CK' followed by numerals indicating the number of words contained in the text of the message); office and country of origin (not abbreviated); day of month and month; hour of filing; address.

"(2) Text: The text may be in either plain language or code.

"(3) Signature: The signature shall include the name and title of the person originating the message."

11. Those municipalities interested in communicating internationally must request authority from the Commission including in the request all the particulars as required in Par. (3) of this Article. If authority is granted the Commission will notify the Berne Bureau and other governments.

12. The Commission recognizes the various factors affecting the propagation of radio emissions, as well as the variations in operating conditions which may be expected in this service. Subject to these considerations the following provisional standards are adopted for the guidance of applicants for facilities in the frequency bands above 30,000 kilocycles:

(a) The frequencies in Group A (Sec. 111.21) are allocated primarily only to states and to municipalities serving large geographic areas under conditions requiring the use of power in excess of 250 watts. However, they will also be available to stations requiring less power provided that if interference situations



should arise, the priority of the high powered stations must be recognized. In general, the frequencies in this group will be assigned only to densely populated areas having a radius of 5 miles or more. Only one frequency in this group will be assigned to municipalities actually operating 100 or less cars.

(b) The frequencies in Group B are available for states, and for cities serving areas smaller than the above. Only one of these frequencies will be assigned any municipality operating 100 or less cars.

(c) The frequencies from Group C will be assigned to municipalities on the basis of one frequency for each 50 mobile or portable-mobile units included in the municipality communication system.

13. The Commission expects that licensees and applicants for facilities above 30,000 kilocycles will arrange for the proper choice and use of frequencies to minimize interference in any area, prior to the filing of applications. The Commission may specify the frequency, or frequencies, which may be assigned and prescribe the manner of their use.

14. Before an application, specifying frequencies above 30 megacycles, is submitted to the Commission each municipality or state is to communicate with all licensees of police stations operating in the 30 to 40 megacycle band within a radius of approximately forty miles of the location of the proposed station and cooperatively agree upon the selection of frequencies. States applying for frequencies in Group D of Section 111.21 are exempt from this requirement. A copy of all such agreements formulated must be filed with the application. Such documents may take the form of letters addressed to the Commission from the surrounding licensees stating that they have no objection to the applicant's use of the requested frequency. If, as a result of the applicant's investigation, there are no other stations of this category within the area mentioned above, a statement to this effect must accompany the application. In congested areas where associations have been formed for the purpose of cooperating in the use of ultra high frequencies, a clearance from such a group will be satisfactory in lieu of agreements from each licensee. However, if all the nearby licensees do not belong to the association for a particular area, then individual agreements should be submitted to the Commission from non-members as well as the approval from the association for the applicant's use of the requested frequency.

15. Applicants for facilities above 30,000 kilocycles will be required to include as a part of their applications a complete statement as to the result of the investigation made necessary by the paragraph next above and attach to their applications or identifying by reference to documents on file with the Commission any agreements that may

have been entered into, affecting police radio operation in the geographical area in which applicant's facilities will be located.

16. It is not desired to be more specific with respect to the uses to which special emergency stations may be put than is set forth in Sec. 117.01. In using these facilities it should be realized that the frequencies assigned thereto are few in number and must be shared among various licensees. A routine dispatching service is not permitted nor is a private point-to-point transmission of routine messages appropriate. Licensees may be required to justify the emergency character of any message transmitted should its propriety be questioned.

17. A detailed policy with respect to the operation of forestry stations has not as yet been established, since, in general, very little experience has been obtained in their use. As the rules indicate, the operation of these stations must be strictly limited to the needs of forest protection and it may be necessary to place further regulatory restrictions on this service as a result of experience. (Sec. 4 (i) 48 Stat. 1066; 47 U. S. C. 154 (i)) [Approved by the Federal Communications Commission on February 27, 1939]

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 39-709; Filed, March 1, 1939;  
11:32 a. m.]

### Notices

#### DEPARTMENT OF AGRICULTURE.

##### Bureau of Animal Industry.

#### NOTICE UNDER PACKERS AND STOCKYARDS ACT<sup>1</sup>

FEBRUARY 28, 1939.

TO ISAAC MEDDIN and ALEX MEDDIN.

*Doing business as Savannah Stock Yards, Savannah, Ga.*

Whereas, the Savannah Stock Yards, at City Abattoir, Savannah, Georgia, was posted on the 17th day of December, 1935, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Savannah Stock Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Savannah Stock Yards, at City Abattoir, Savannah, Georgia, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL]

HARRY L. BROWN,  
Acting Secretary of Agriculture.

[F. R. Doc. 39-711; Filed, March 1, 1939;  
12:08 p. m.]

<sup>1</sup> Modifies list posted stockyards 9 CFR 204.1.

#### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5500]

NOTICE IN THE MATTER OF ALLOWANCE FOR USE OF PUBLIC TELEPHONE AND TWX SERVICE IN CONNECTION WITH FILING OF MESSAGES WITH R. C. A. COMMUNICATIONS, INC., AND THE FRENCH TELEGRAPH CABLE COMPANY

At a session of the Federal Communications Commission, held at its office in Washington, D. C. on the 27th day of February, A. D. 1939.

It appearing that there have been filed with the Federal Communications Commission tariffs containing schedules stating new charges and new regulations, classifications, and practices affecting such charges to become effective on the 9th day of March, 1939, and later, designated as follows:

R. C. A. Communications, Inc., 2nd Revised Page No. 29A of F. C. C. No. 15.

The French Telegraph Cable Company, 1st Revised Page No. 6 of F. C. C. No. 5.

It is ordered, That the Commission, on its own motion, without formal pleading enter upon a hearing concerning the lawfulness of the charges, and of the regulations, classifications, and practices stated in the said schedules contained in said tariffs; viz., on 2nd Revised Page No. 29A of R. C. A. Communications, Inc., F. C. C. No. 15, all provisions shown under the caption:

"Use of Public Telephone and TWX Service in connection with filing of messages"

and on First Revised Page 6 of The French Telegraph Cable Company F. C. C. No. 5, that part of Rule No. 5 reading as follows:

"If the sender uses the public telephone to call for a messenger or uses the public telephone or the TWX service to transmit his telegram directly to the office of this Company, in the city of New York, the cost of the telephone call or of the TWX service will be refunded to him upon request."

It further appearing, that said schedules make certain changes in rates for the interstate and foreign transmission of all classes of communications, and the rights and interests of the public appearing to be injuriously affected thereby, and it being the opinion of the Commission that the effective dates of the said schedules contained in said tariffs should be postponed pending said hearing and decision thereon:

It is further ordered, That the operation of the said schedules contained in said tariffs be suspended, and that the use of the rates, charges, classifications, regulations and practices therein stated be deferred until the 9th day of June, 1939, unless otherwise ordered by the Commission, and no change shall be made in such charges, classifications,



regulations, and practices during the said period of suspension, unless authorized by special permission of the Commission.

*It is further ordered,* That the charges and the classifications, regulations, and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule, until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless authorized by special permission of the Commission.

*It is further ordered,* That a copy of this order be filed with said schedules in the office of the Federal Communications Commission, and that copies hereof be forthwith served upon the carriers parties to such schedules, and that said carriers parties to said schedules be, and they are hereby, made respondents to this proceeding; and

*It is further ordered,* That this proceeding be, and the same is hereby assigned for hearing at 10:00 A. M., on the 3rd day of April, A. D. 1939, at the office of the Federal Communications Commission, Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 39-710; Filed, March 1, 1939;  
11:32 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

##### *United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1939.

[File No. 56-20]

#### IN THE MATTER OF ENGINEERS PUBLIC SERVICE COMPANY

##### ORDER GRANTING APPLICATION

Engineers Public Service Company, a registered holding company, having filed

applications pursuant to Rules U-12D-1, U-12F-1 and U-12C-1 (b) concerning the sale by it of not to exceed \$508,000 principal amount of the First and Refunding Bonds, Series A, 5½%, due 1960, of The Western Public Service Company, one of its subsidiaries and also a registered holding company, and also concerning the acquisition of not to exceed 7000 shares of its own preferred stock;

A public hearing having been held on the applications after appropriate notice; prior to the entry of the Commission's findings and order herein the applicant having waived a Trial Examiner's report, the right to submit findings of fact to the Commission and to have submitted to it proposed findings of fact by counsel to the Commission, the right to oral argument before the Commission and the right to file briefs; the Commission having considered the record in this matter and having made and filed its findings herein:

*It is ordered,* That said application pursuant to Rule U-12D-1 and Rule U-12F-1 be granted, subject to the following terms and conditions:

(1) That any tenders made by Engineers Public Service Company of the bonds of The Western Public Service Company shall be at not less than 80 (its cost) plus accrued interest and at not more than the current market price prevailing at the time the tenders are made, plus accrued interest.

(2) That within ten days after the acceptance of any tenders made by Engineers Public Service Company it shall file a certificate of notification with this Commission describing the number of bonds accepted, the price or prices at which they were accepted, together with the total amount of the tenders made by Engineers Public Service Company and the price, or prices, at which they were tendered.

*It is further ordered,* That the application pursuant to Rule U-12C-1 (b)

14 F. R. 479, 511 DI.

be granted, subject to the following terms and conditions:

(1) That, prior to any purchase of such stock hereby authorized, notice of the proposed call for tenders and of the proposed open market purchases be sent to all preferred stockholders of record.

(2) That the applicant file with this Commission a certificate of notification within ten days after the tenders are accepted, giving the amounts and series of the preferred stock so acquired as a result of such tenders, together with the prices at which such tenders were accepted, and the name and address of the record holder from whom acquired.

(3) That to the extent that preferred stock is acquired by the applicant on the open market the applicant shall file with this Commission weekly reports with respect to such purchases of preferred stock. Each such report shall set out the date of each purchase, the number of shares purchased in each transaction, the prices paid therefor, the exchange on which purchased and the name and the address of the broker in each transaction, and the name and address of the record holder of such shares.

(4) That all shares of preferred stock, whether acquired as a result of the acceptance of tenders or as a result of open market purchases shall be canceled forthwith.

(5) That this order, with respect to open market purchases shall be summarily revocable, if at any time the Commission shall deem that the circumstances are such as to make further purchases no longer compatible with the public interest or the interest of investors and consumers. In any event, such order shall expire at the close of business on October 31, 1939.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-708; Filed, March 1, 1939;  
11:18 a. m.]